

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**July 9, 2012, 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Michael Gravesen  
Brenda Bossman  
Steve Vieira  
John Mahshie

**ABSENT**

**ATTENDING**

Derek Rooney, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of June 11, 2012 were approved as circulated.

**ANNOUNCEMENTS**

**Chair Hess** introduced the new Board member representing District I, Mr. Steve Vieira, replacing Mr. Michael Brown who resigned due to illness.

**PETITIONS**

**PP-07-02-04**

**Quasi-Judicial**

**Commission District II**

PG Holdings, LLC is requesting a two-year extension to the Preliminary Plat approval for Burnt Store 80 Acres. The applicant was granted Preliminary Plat approval by the Board of County Commissioners on May 15, 2007, with four (4) conditions. A one-year extension was granted by the Planning and Zoning Board on July 13, 2009, and a two-year extension was granted on August 9, 2010. The subdivision, consisting of one hundred eight (108) single-family lots (a Planned Development) on 80.15 acres, more or less, is in Sections 29 and 32, Township 42, Range 23, located east of Burnt Store Road (off Harbor Side Boulevard), southeast of Harborside Woods Subdivision, and south of Punta Gorda Isles Section 16 subdivision in Commission District II.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the extension request with a recommendation of Approval.

**Questions for Staff**

None.

**Applicant's Presentation:**

**Mr. Todd Rebol**, agent for the applicants, spoke briefly in support of the request.

**Public Input**

None.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Mahshie** with a unanimous vote.

**Recommendation**

**Mr. Gravesen** moved that application **PP-07-02-04** be approved, based on the applicant's request, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

**Chair Hess** noted that the next agenda item indicated a recommendation of denial, but that the modified application was actually being recommended for approval with conditions.

**SV-12-04-03**

**Legislative**

**Commission District IV**

Heritage of Sarasota, Inc., and Harbour Village Property Owners Association, Inc. have applied to vacate the portion of River Beach Drive (platted Riverside Drive) that runs east of Sturkie Avenue and west of the Hayward Canal, as recorded in Plat Book 1, Page 62, and Plat Book 2, Page 30, also to vacate the conditions of the Developer's Agreement (AGR 2006-074) that was required for the approval of a previous street vacation (Res. 2006-223), and the portion of Warren Avenue that runs south of Schofield Road, and north of River Beach Drive, as recorded in Plat Book 2, Page 30, as well as the drainage easement in the Warren Avenue right-of-way, a total of 3.88 acres, more or less, located in Section 28, Township 40 South, Range 21 East, in Commission District IV.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis of the petition with a recommendation of *Approval of the modified request*, based on the reasons stated in the staff report dated June 26, 2012. Given the complexity of the request, **Mr. Ellis** provided background information on the original request and its current modified form, and discussed the five conditions of the current recommendation of approval. **Mr. Ellis** noted that among the end results would be the conveyance by the applicant to the County of the parcel between the end of Warren Ave. and the shoreline, maintaining public access to the water. He quoted extensively from Zoning/Land Development staff objections based on applicant's failure under the original Developer's Agreement to remove exotic vegetation, as well as the Comprehensive Planning remarks on the proposed restrictive covenant. **Mr. Ellis** concluded by recommending approval of the request with five conditions.

**Questions for Staff**

**Ms. Bossman** asked how staff came to approve of denying access to the water to the public; **Mr. Ellis** referred to the map and other visual elements of his presentation to demonstrate that such access would not be denied, based on the reconfiguration of the request. He also noted more was being required of the applicant in other regards (trees). **Ms. Bossman** stated she felt that the County was giving up any future opportunity for a riverwalk in this area if the present request was granted. Further discussion ensued on this point.

**Applicant's Presentation:**

**Geri L. Waksler, Esq.**, agent for the applicants, spoke in support of the modified version of the petition; she emphasized the reduced nature of the current vacation request and noted that

Warren Ave. will provide direct access to the water under the reconfiguration. She rejected the suggestion that the exotics should have been removed, as directed in the existing Developers Agreement, prior to issuance of CO, and she emphasized that the applicant is not in violation of any aspect of the agreement. She did, however, note that applicant willingly undertakes all current conditions as presented by Mr. Ellis. The benefits to granting the street vacation would include the property going to the County that gives direct access to the water, as well as parking to facilitate that access. The applicant's plans include creation of five waterfront lots which will provide increased tax revenue as they are developed. She re-emphasized that the recommendation of approval involves five conditions and applicant is in agreement with all the conditions.

**Chair Hess** acknowledged Ms. Waksler's position that no bad faith had been demonstrated by the applicant with regard to the prior Developers Agreement. **Mr. Gravesen** asked Ms. Waksler if the 90 day period would be adequate for the work to be completed as per the conditions, and **Ms. Waksler** agreed that would be adequate as long as the required permits were issued timely.

**Public Input**

*None.*

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

**Discussion**

**Chair Hess** said that she felt the reconfigured petition addressed all issues present in the original application and should be granted. **Ms. Bossman** stated that she thought this was not in the best interest of the public because it foreclosed on a possible future riverwalk; **Mr. Mahshie** contended that the access from the road amounted to the same thing. There followed a discussion attempting to define exactly what a riverwalk would be in this location. **Mr. Ellis** clarified that this is a dedicated but not accepted right of way, so the County doesn't actually own the underlying property, and therefore could not create such a riverwalk on its own. Further discussion ensued on this point with **Ms. Bossman** questioning the distinction being made between the uses of a riverwalk or a road; **Mr. Ellis** emphasized that the subject area was designated on the plat as a right-of-way, which is maintained by the County as to matters of Code, but is not owned by the County. **Mr. Rooney** offered the opinion that such a riverwalk could be built but that it would have other issues in addition to the 'missing chunk' that would result from the vacation. **Chair Hess** noted the discussion on this aspect would be included in the minutes for the benefit of the Commissioners.

**Recommendation**

**Mr. Mahshie** moved that application **SV-12-04-03** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated June 26, 2012, along with the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a 4-1 vote:

Chair Hess – aye  
Mr. Gravesen – aye  
Mr. Mahshie – aye  
Mr. Vieira – aye  
Ms. Bossman – nay

**FP-12-05-01**

**Quasi-judicial**

**Commission District III**

Richard Lake has applied for a one-lot Minor Subdivision called 2405 Bayside, being a re-plat of Lots 24 and 25 of Gulfridge Subdivision, as recorded in Plat Book 2, Page 61, of the Official Records of Charlotte County, Florida. The site is 0.90 acres, more or less, and is located east of North Beach Road, west of Lemon Bay, north of Estada Street, and south of Desoto Avenue, in Commission District III.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated June 26, 2012. He noted that no construction is contemplated as part of this petition since all the infrastructure is in place; the applicant is just seeking to eliminate the existing lot lines in order to more fully use the property. **Mr. Ellis** noted that because the preliminary and final plat were being considered together, there weren't any conditions being applied, but everything that needed attention was being handled as the applicant went through the process. He also noted that there had been a minor technical difficulty with the survey, but he expected to have the mylar available for signing later today.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Ms. Mary Sprague**, applicant's agent, spoke briefly in support of the petition. She noted there was an existing duplex and fourplex (six units) on the property now and the applicant intends to add seven units; however, the current application does not deal with those plans.

**Public Input**

*None.*

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Mahshie** with a unanimous vote.

**Discussion**

**Ms. Bossman** had a question about the conditions; **Chair Hess** responded that the conditions given were to be applied at the time of any future development on the property, and Mr. Ellis contributed that the items in the staff report were not conditions of approval but simply served as advisories.

**Recommendation**

**Ms. Bossman** moved that application **FP-12-05-01** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated June 26, 2012, along with the evidence presented at today's meeting and carried by a unanimous vote.

There being no further business to come before the Board, meeting was adjourned at 2:09 p.m.